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January 31, 2019

MELISSA STOKES
Claims Representative

Mr. Connor Sheets
MuckRock News
DEPT MR 59698
411A Highland Ave.
Somerville, MA 02144-2516

RE: Records Request

Dear Mr. Sheets:

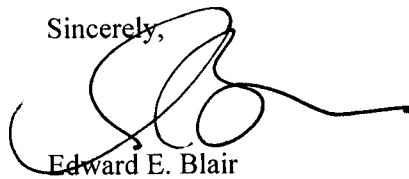
I have received your request of January 2, 2019 for records under the Alabama Open Records Law § 36-12-40 et seq.

The FOIA (Freedom of Information Act) as a matter of clarification is a federal provision that is primarily concerned with the several federal agencies and making certain information is public and available, but that act does not have applicability to state and local entities. Section 36-12-40, commonly referred to as the Alabama Open Records Law, states that "*every citizen* has a right to inspect and take a copy of any public writing of this state, except as otherwise expressly provided by statute." It is therefore axiomatic that an Alabama statute that references the rights of a citizen denotes the rights of a person who is a resident of this state.

The Alabama Supreme Court has limited the import of section 36-12-40 to Alabama citizens. *See State ex rel Kernells v. Ezell*, 291 Ala. 440. (Ala.1973). Also, in *Stone v. Consol. Publ'g Co.*, 404 So. 2d 678, 681 (1981) which states that public writings of the state are records that record the activities of public officers so that the status or condition of ...activities can be known by *our citizens*. The United States Supreme Court in *McBurney v. Young*, 133 S. Ct. 1709, 1714 (2013) ruled that a state's public records law limited access to public records to only the citizens of that state. MuckRock is, therefore, not considered a *citizen*. Alabama Attorney General Opinion 2018-030 has concluded that generally, access to public records is limited to requests by Alabama citizens only.

Accordingly, we are unable to fulfill your request.

Sincerely,



Edward E. Blair
Assistant City Attorney

MuckRock News
DEPT MR 59053
411A Highland Ave
Somerville, MA 02144-2516
59053-14465285@requests.muckrock.com

RECEIVED

JAN 09 2019

Legal Department

Mayor's Office
PR Office
308 Fountain Circle Southwest
Huntsville, AL 35801

January 2, 2019

This is a follow up to a previous request:

To Whom It May Concern:

I wanted to follow up on the following Alabama Public Records request, copied below, and originally submitted on Aug. 6, 2018. Please let me know when I can expect to receive a response.

Thanks for your help, and let me know if further clarification is needed.

Filed via MuckRock.com
E-mail (Preferred): 59053-14465285@requests.muckrock.com

For mailed responses, please address (see note):

MuckRock News
DEPT MR 59053
411A Highland Ave
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

On Aug. 6, 2018:

To Whom It May Concern:

Pursuant to the Alabama Public Records , I hereby request the following records:

A copy of the bid submitted in response to the U.S. Army's request for proposals for the site of its Futures Command headquarters, any contracts with third-party providers for services rendered regarding the

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Futures Command bid, and any marketing budgets regarding Futures Command-related expenditures from August 1st, 2017 to the date this request is processed.

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 10 business days.

Please note that I am a citizen of Alabama, and am using MuckRock's services to help manage and track my request.

Sincerely,

Connor Sheets

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E-mail (Preferred): 59053-14465285@requests.muckrock.com

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